

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3781 of 2016

1. Vijay S/O Rajkumar Aged About 27 Years R/O Behind Water-Tank Tatibandh, Police Station Aamanaka, District - Raipur Chhattisgarh.
2. Naresh S/O Late Lakhanlal Nihal Aged About 28 Years R/O Behind Water-Tank Tatibandh, Police Station Aamanaka, District - Raipur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Its Police Station Gudhiyari Raipur, District Raipur, Civil And Rev. Distt. Raipur Chhattisgarh.

---- Respondent

For Applicants : Mr. Ravi Maheshwari, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18-07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 5-5-2016 in connection with Crime No. 122 of 2016, registered at Police Station Gudhiyari, Raipur, District Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 9.8 liters and they were arrested on 5-5-2016.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case and they are in jail since 5-5-2016 and charge-sheet has been filed in this case and no further investigation is required, therefore, they may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicants have no previous antecedents of similar offence.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 9.8 liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicants are in jail since 5-5-2016, this court is inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju